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07 DEC -3 AM 9:53
CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, Vs. Jose Alberto MEDINA-Castillo, Defendant	Magistrate's Case Number: '07 MJ 2793 COMPLAINT FOR VIOLATION OF: Title 21, United States Code § 952 and 960 – Importation of a Controlled Substance (Felony):

The undersigned complainant being duly sworn states:

That on or about December 1, 2007, within the Southern District of California, defendant Jose Alberto MEDINA-Castillo did knowingly and intentionally attempt to import and bring into the Customs Territory of the United States from a place outside thereof, approximately 7.70 kilograms/16.94 pounds of heroin, a Schedule I Controlled Substance; in violation of Title 21, United States Code, § 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Signature of Complainant
Special Agent, Mike Crim
U.S.Immigration and Customs Enforcement,
Office of Investigations

Sworn to before me and subscribed in my presence this 3rd day of December, 2007.

Honorable Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

I, Special Agent Mike Crim, declare under penalty of perjury, the following is true and correct:

STATEMENT OF FACTS & SUMMARY OF POST-MIRANDA VIDEOTAPED INTERVIEW

At approximately 6:43 a.m., on December 1, 2007 Jose Alberto MEDINA-Castillo (MEDINA) attempted to enter the United States from the Republic of Mexico at the San Ysidro, California (San Ysidro) Port of Entry (POE). MEDINA was the driver and sole occupant of a white 1997 Nissan Altima bearing Baja California, Mexico (BAMX) license plate number AHU-52-89.

Customs and Border Protection Officer (CBPO) Ian Bow encountered MEDINA when MEDINA presented himself for entry to the U.S. at CBPO Bow's station on Lane 5 of the San Ysidro POE. MEDINA presented a valid border crosser card/U.S. Consular Visa/DSP-150 and told CBPO Bow that he was going to San Ysidro, California, U.S.A. CBPO Bow twice asked MEDINA if he had anything to declare for entry to the United States, to which, both times, MEDINA replied that he had nothing to declare. When CBPO Bow asked MEDINA who owned the vehicle that MEDINA was driving, BAMX/AHU-52-89, MEDINA replied that the vehicle was his. When MEDINA presented the vehicle registration to CBPO Bow, MEDINA then claimed that the vehicle, BAMX/AHU-52-89 belonged to MEDINA's aunt. During a cursory inspection of MEDINA's vehicle, CBPO Bow discovered that the spare tire, visible in the trunk of MEDINA's vehicle BAMX/AHU-52-89, was covered in grease and unusually heavy. CBPO

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Bow escorted MEDINA, who was still driving the vehicle, BAMX/AHU-52-89, to the secondary inspection lot so that a more detailed inspection could be completed.

On December 1, 2007, at approximately 6:45 a.m., CBP Canine Enforcement Officer (CEO) Sigifredo Delgado directed his narcotic/human detector dog "UNITED" to screen MEDINA's vehicle, BAMX/AHU-52-89, for narcotic or other odors. "UNITED" alerted to the spare tire of MEDINA's vehicle, BAMX/AHU-52-89.

On December 1, 2007, at approximately 7:00 a.m., CBPO P.J. Chavarry was tasked to conduct an intensive inspection of MEDINA's vehicle, BAMX/AHU-52-89. CBPO Chavarry spoke with CBPO Bow and CEO Delgado, learned of the results of their inspections of MEDINA's vehicle, BAMX/AHU-52-89, removed the spare tire, deflated it and upon cutting it open with an edged tool, observed several cellophane-wrapped packages concealed within. CBPO Chavarry selected one package at random and probed it, discovering a brown, powdery substance that tested positive for the presence of heroin when it was subjected to a chemical field-test. CBPO Chavarry then escorted MEDINA to the San Ysidro POE security office where CBPO's conducted a patdown inspection of MEDINA's person, discovering $72 USD in currency, a small amount of Mexican coinage, and a light brown leather wallet that contained assorted wallet-sized paper and plastic cards, photos and small scraps of paper. MEDINA was then placed into a holding cell.

At approximately 8:24 a.m. on December 1, 2007, U.S. Immigration and Customs Enforcement (ICE), Office of Investigations (OI) Special Agent (SA) Mike Crim was notified to respond to the San Ysidro POE to investigate the discovery of narcotics within MEDINA's vehicle, BAMX/AHU-52-89. SA Crim arrived at the San Ysidro POE at approximately 9:15 a.m. on the morning of December 1, 2007.

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At approximately 10:40 a.m., SA's Crim, Bryan Bauerle and San Diego Police Department Detective (Detective) Juan Sanchez contacted MEDINA in his holding cell at the San Ysidro POE, where the officers inquired about his well-being and informed MEDINA that heroin had been discovered concealed within his vehicle, BAMX/AHU-52-89. MEDINA stated that he was feeling well and that he was willing to speak with the officers. At approximately 10:43 a.m., Detective Sanchez advised MEDINA of his constitutional rights per Miranda in the Spanish language, by reading them to him from a preprinted form written in the Spanish language, as witnessed by SA's Crim and Bauerle. At approximately 10:45 a.m., MEDINA waived his rights, signed the waiver of rights form and again agreed to speak with the officers. MEDINA told the officers that in exchange for a payment of $3000 USD, he had agreed to drive the narcotics-laden vehicle, BAMX/AHU-52-89, to a place somewhere in "L.A." MEDINA said that he did not know where in L.A. he was supposed to deliver the narcotics because the people for whom he was transporting the narcotics had told him that "they" would contact or communicate with him to tell him exactly where to go, after he had successfully entered the U.S. MEDINA told the officers that he knew his vehicle, BAMX/AHU-52-89, was loaded with "drogas" (drugs), at which point MEDINA motioned, as if to mimic first "snorting" with his nose, and then injecting himself in the arm. MEDINA said that he had not been told either the type or quantity of narcotics concealed within his vehicle. MEDINA said that "they" told him that there was "something in there", but that "they" did not say what. MEDINA then said that "they" had told him to "go to Santa Barbara in the City of Los Angeles." At 11:15 a.m., Detective Sanchez read the notes written in the English language that SA Crim had taken to this point, and asked if they were an accurate and fair representation of what MEDINA had told the

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officers. MEDINA said that they were accurate and fair and signed the notes page beneath the point on the page where SA Crim had left off writing.

The officers then escorted MEDINA to an interview area where they completed a DEA Form 202, Personal History Report and various other forms used to capture biographical and booking information. At approximately 11:11 a.m., Detective Sanchez again advised MEDINA of his constitutional rights per Miranda in the Spanish language by reading them to him from a preprinted form written in the Spanish language, as witnessed by SA's Crim and Bauerle. At approximately 11:13 a.m., MEDINA again waived his rights, signed the waiver of rights form and again agreed to speak with the officers.

Over the course of the next approximately 1-1/2 hours, MEDINA related essentially the following:

> On Thursday, November 29, 2007, at approximately 4:00 p.m., MEDINA visited his friends "BURRO" (first name unknown (FNU), last name unknown (LNU)), "CHALINO" FNU LNU and "TACO" FNU LNU, at TACO's auto repair shop, "El Chalino", in Tijuana, Mexico. While at the El Chalino auto repair shop, MEDINA told the three (3) men that he was planning to visit the U.S.A. on Saturday, December 1, 2007, and then return to his home in Tepic, Nayarit, Mexico on Sunday, December 2, 2007. On Friday, November 30, 2007, at approximately 5:00 p.m., MEDINA again visited the El Chalino auto repair shop where he encountered BURRO and CHALINO. BURRO asked MEDINA if MEDINA was "willing to cross a car" into the U.S.A. MEDINA asked BURRO why, to which BURRO replied that he had a cousin who is a U.S. citizen and that "they would not let a U.S. citizen cross into the U.S.A. while driving a Mexican-registered car." MEDINA asked BURRO, "is that really what it is, or is it something

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else?" BURRO replied, "No, it's something else." MEDINA told BURRO, "tell me the truth. Why do you want me to cross it?" BURRO said, "you're going to take something else and it's going to be loaded." At this point in the interview, MEDINA told the officers, "at that point I understood it was going to be something illegal but I didn't know what or how much." BURRO went on to tell MEDINA, "If you're willing to do it, I'll pay you $3000." MEDINA told BURRO, "I need to think about it." MEDINA remained at the auto repair shop until approximately 7:00 p.m., when he told BURRO that he would cross the car into the U.S.A. in exchange for the $3000 payment promised him by BURRO. MEDINA told the officers that BURRO told him that he, MEDINA, would be taking the car to "Santa-something in the Los Angeles area." BURRO told MEDINA that he could return to the El Chalino auto repair shop anytime on Saturday, December 1, 2007, to pick up the car. MEDINA replied that he would return at "6:00 a.m." On December 1, 2007, at approximately 6:00 a.m., MEDINA returned to the El Chalino auto repair shop. MEDINA related to the officers that the vehicle, BAMX/AHU-52-89 was "already" there at the shop. BURRO told MEDINA to cross the vehicle into the U.S. and that someone would contact him there. MEDINA then drove the vehicle, BAMX/AHU-52-89 to the Mexico/U.S.A. international border crossing at San Ysidro, California where he encountered CBPO Bow on Lane 5 of the San Ysidro POE, and was ultimately detained.

On December 1, 2007, at approximately 12:45 p.m., the officers concluded the interview of MEDINA, completed the remaining necessary booking and processing steps possible at the POE and returned MEDINA to his holding cell. SA Crim's checks of all available criminal information databases revealed no prior criminal history related to MEDINA.

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On December 1, 2007, at approximately 6:30 p.m., ICE Special Agents Mike Crim and Bryan Bauerle transported MEDINA to the Metropolitan Correctional Center in San Diego, California, where, at approximately 7:00 p.m. MEDINA was remanded, pending federal prosecution.

Executed on December 1, 2007 at 11:50 p.m.

Mike Crim

MIKE CRIM

SPECIAL AGENT

On the basis of the facts presented in this probable cause statement consisting of seven (7) pages, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on December 1, 2007, in violation of Title 21, United States Code, § 952 & 960.

____________________________ ____________________________

HONORABLE RUBEN B. BROOKS DATE/TIME

UNITED STATES MAGISTRATE JUDGE

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Ruben Brooks

12/2/2007 at 9:30 a.m.

HONORABLE RUBEN B. BROOKS

UNITED STATES MAGISTRATE JUDGE

DATE/TIME

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Ruben Brooks

HONORABLE RUBEN B. BROOKS

UNITED STATES MAGISTRATE JUDGE

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